

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

AMY DIVINE; KARL MERCHANT; and  
COLUMBUS JONES, on behalf of themselves  
and all others similarly situated

PLAINTIFFS

v.

CIVIL ACTION NO. 1:23cv196 HSO-BWR

SECURIX, LLC

DEFENDANT

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MOTION TO DISMISS

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COMES NOW, Defendant, SECURIX, LLC (hereinafter referred to as "Defendant" or "Securix"), by and through its Attorneys, Tim C. Holleman and Hollis T. Holleman, BOYCE HOLLEMAN AND ASSOCIATES, and files this its Motion to Dismiss and in support thereof, Defendant would show unto the Court the following:

I.

Rules 12(b)(1) and 12(b)(6), Fed. Rules Civ. Procedure

Defendant moves to dismiss under Rule 12(b)(6), Fed. Rules Civ. Proc. for failure of the Plaintiffs' Complaint to state a claim upon which relief may be granted for Fourteenth Amendment Procedural Due Process Violation arising under 42 U.S.C. § 1983.

Defendant also moves to dismiss under Rule 12(b)(1), Fed. Rules Civ. Proc. Plaintiffs assert "federal question jurisdiction" for violation of "Fourteenth Amendment Procedural Due Process". Defendant asserts the Complaint does not set forth

sufficient facts which supports “federal question jurisdiction” under Rule 12(b)(1), Fed. Rules Civ. Proc.

II.

State Law Claims

Count II. Abuse of Process and Count III. Unjust Enrichment

The Court should, likewise, dismiss the state law claims based upon pendant jurisdiction under 28 U. S. C. § 1367 when the federal law claim is dismissed.

WHEREFORE PREMISES CONSIDERED, Defendant, Securix LLC, respectfully moves this Court grant its Motion to Dismiss pursuant to Rules 12(b)(6 and/or 12(b)(1) Fed. Rules Civ Proc. Rule and dismiss all of Plaintiffs claims, including declining to entertain Plaintiffs' state law claims based upon pendant jurisdiction under 28 U. S. C. § 1367, and for all additional and appropriate relief. Defendant, Securix LLC adopts by reference in accordance with Rule 10(c) Fed. Rules. Civ. Proc its Memorandum Brief in Support of Motion to Dismiss filed herein.

So moved, this the 31<sup>st</sup> day of August 2023.

SECURIX, LLC, Defendant

By and through its attorneys

BOYCE HOLLEMAN & ASSOCIATES

By: /s Tim C. Holleman

Tim C. Holleman (MS Bar #2526)  
Hollis T. Holleman (MS Bar #105692)  
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## CERTIFICATE OF SERVICE

I, Tim C. Holleman, do hereby certify that I have this day filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

This the 31<sup>st</sup> day of August 2023.

/s Tim C. Holleman

Tim C. Holleman (MS Bar #2526)  
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